

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

|                           |   |                  |
|---------------------------|---|------------------|
| STERLING EQUIPMENT, INC., | ) |                  |
| Plaintiff                 | ) |                  |
| v.                        | ) | CIVIL ACTION NO. |
|                           | ) | 04-12313-NMG     |
| M. A. T. MARINE INC.,     | ) | IN ADMIRALTY     |
| Defendant                 | ) |                  |

**MOTION OF DEFENDANT M. A. T. MARINE, INC.**  
**TO DISCHARGE ATTACHMENT**

Defendant, M.A.T. Marine, Inc., by its attorneys, moves to vacate and discharge the real estate attachment ordered by the Court in this action on or about November 17, 2004, and in support of its motion states as follows:

On the afternoon of November 9<sup>th</sup> Defendant filed its Chapter 11 petition in the Bankruptcy Court for this District, which is pending as Ch 11 Case No. 04-19106-CJK Accordingly, the automatic stay of 11 U.S.C. sec. 362 is in effect and this action has been stayed by operation of law since November 9, 2004, and the said Order should be vacated and the attachment discharged.

**WHEREFORE**, Defendant M.A.T. Marine, Inc. prays that the Court vacate and discharge its Order of attachment.

Respectfully submitted,

BURNS & LEVINSON, LLP

By: *Victor Bass*  
Victor Bass (BBO #033040)  
125 Summer Street  
Boston, MA 02110  
Telephone: (617) 345-3000  
Facsimile: (617) 345-3299

Counsel to the Defendant

Dated: November 23, 2004  
00887327

*Motion allowed. M. Gordon, USDT 12/15/04*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

STERLING EQUIPMENT, INC.,  
Plaintiff

v.

M. A. T. MARINE INC.,  
Defendant

CIVIL ACTION NO.  
04-12313-NMG

IN ADMIRALTY

CERTIFICATE OF SERVICE

I, Victor Bass, certify that I have this 23rd day of November, 2004, caused a copy of the foregoing *Motion of Defendant, M.A.T. Marine, Inc., to Discharge Attachment* to be served by First Class Mail, postage prepaid, upon the parties listed below:

|   |   |
|---|---|
| Norman A. Peloquin, II, Esq.<br>Morad Building<br>460 County Street<br>New Bedford, MA 02740-5107 | Charles A. Lovell, Esq.<br>Partridge Snow & Hahn LLP<br>180 South Main Street<br>Providence, RI 02903 |
|---|---|

Respectfully submitted,

BURNS & LEVINSON, LLP

By: 

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Facsimile: (617) 345-3299

Counsel to the Defendant

Dated: November 23, 2004

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